

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHANNON JONES, BRITTANY WILLIAMS, AND BRYAN
ROMAN,

Plaintiffs,

- against -

**CORRECTED NOTICE OF
REMOVAL**

Case No. 21 Civ 10082

THE CITY OF NEW YORK, COMMISSIONER DERMOT
SHEA, NEW YORK CITY POLICE DEPARTMENT; CHIEF OF
DEPARTMENT TERENCE MONAHAN, INDIVIDUALLY
AND AS A POLICE OFFICER, LT. ROMAINE WILSON, TAX
#949804, DRUG ENFORCEMENT TASK FORCE,
INDIVIDUALLY AND AS A POLICE OFFICER; ASSISTANT
CHIEF KENNETH LEHR, COMMANDER OF NYPD PATROL
BOROUGH BRONX, INDIVIDUALLY AND AS A POLICE
OFFICER; NYPD POLICE OFFICER LUKE SPERANZA,
SHIELD # 11812, 40TH PCT., INDIVIDUALLY AND AS
POLICE OFFICER; P.O. NIAZUL HAQUE, TAX #943349, 40TH
PRECINCT, INDIVIDUALLY AND AS A POLICE OFFICER;
DET. CHRISTOPHER P. BORIA, SRG #4, SHIELD #26858;
INDIVIDUALLY AND AS A POLICE OFFICER; DET. PAUL
ZAINO, SHIELD #4702, NARCOTICS BOROUGH BRONX,
INDIVIDUALLY AND AS A POLICE OFFICER; POLICE
OFFICER ARMANDO RIVAS, SHIELD #2833, 44 PCT.,
INDIVIDUALLY AND AS A POLICE OFFICER; and NYPD
OFFICERS JOHN AND JANE DOES #1-40, INDIVIDUALLY
AND AS POLICE OFFICERS,

Law Dep't No.: 2021-001610

Defendants.

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**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants THE CITY OF NEW YORK (the "City"), COMMISSIONER DERMOT
SHEA, and THE CITY OF NEW YORK s/h/a NEW YORK CITY POLICE DEPARTMENT
(collectively "defendants"), by and through their attorney, Georgia M. Pestana, Corporation
Counsel of the City of New York, respectfully show this Court as follows:

1. Upon information and belief, on October 26, 2021, the City was served with a Summons and Verified Complaint in the above-entitled action, pending in the Supreme Court of the State of New York, County of Bronx, under Index No. 811888/2021E, naming THE CITY OF NEW YORK (hereinafter the “City”), COMMISSIONER DERMOT SHEA, THE CITY OF NEW YORK s/h/a NEW YORK CITY POLICE DEPARTMENT, CHIEF OF DEPARTMENT TERENCE MONAHAN, LT. ROMAINE WILSON, ASSISTANT CHIEF KENNETH LEHR, NYPD POLICE OFFICER LUKE SPERANZA, P.O. NIAZUL HAQUE, DET. CHRISTOPHER P. BORIA, DET. PAUL ZAINO, POLICE OFFICER ARMANDO RIVAS and NYPD OFFICERS JOHN AND JANE DOES #1-40 as defendants therein, and setting forth the claims for relief upon which the action is allegedly based. A copy of Plaintiff’s Summons and Verified Complaint, filed September 1, 2021, is annexed hereto as Exhibit A.

2. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

3. Plaintiffs bring this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, federal claims of excessive force, failure to intervene, false arrest, violation of the right of freedom of speech, and municipal liability. See Ex. A. Plaintiffs also allege state law claims for false arrest, false imprisonment, assault and battery. See *id.*

4. Defendants originally filed a timely Notice of Removal on November 26, 2021, within thirty (30) days of receipt of the initial pleading by the City of New York. See 28 U.S.C. § 1446(b); Fed. R. Civ. P. 6(a); Dkt. No. 1.

5. All individually named defendants consented to the removal. Copies of the individual defendants' consent forms are annexed hereto as Exhibit B.


6. On November 29, the Clerk of this Court issued a notice indicating that Assistant Chief Kenneth Lehr was added to the case in error. That same day, counsel for defendants filed a letter motion seeking to file a Corrected Notice of Removal in order to correct the caption. Dkt. No. 6. The Court granted defendants motion on January 3, 2022.

7. Defendants filed a copy of the original Notice of Removal with the Clerk of the state court in which this action was pending on or about November 26, 2021, and will promptly file a copy of this Corrected Notice of Removal as well.

WHEREFORE, defendants respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: Bronx, New York
January 7, 2022

GEORGIA PESTANA
Corporation Counsel of the City of New York
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YORK, COMMISSIONER DERMOT SHEA, and
THE CITY OF NEW YORK s/h/a NEW YORK CITY
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